

In consideration of the foregoing, 49 CFR part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30162; delegation of authority at 49 CFR 1.50.

2. Section 571.114 is amended by revising S1, S4.2.1, and S4.2.2, and adding new paragraphs S5 through S5.3, to read as follows:

§ 571.114 Standard No. 114; Theft protection.

S1 Purpose and Scope. This standard specifies requirements primarily for theft protection to reduce the incidence of crashes resulting from unauthorized operation of a motor vehicle. It also specifies requirements to reduce the incidence of crashes resulting from the rollaway of parked vehicles with automatic transmissions as a result of children moving the shift mechanism out of the "park" position.

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S4.2.1(a)(1) Except as provided in S4.2.2(a) and (b), the key-locking system required by S4.2 in each vehicle which is manufactured prior to September 1, 1996, and which has an automatic transmission with a "park" position shall, when tested under the test procedures in S5(a), prevent removal of the key:

(i) Whenever the shift lever or other shifting mechanism is fully placed in any designated shift position other than "park," unless the transmission or transmission shift mechanism become locked in "park" as the direct result of removing the key; and

(ii) Whenever the shift lever or other shifting mechanism is fully placed in the park position, unless the transmission or transmission shift mechanism are locked in park or become locked in "park" as the direct result of removing the key.

(2) Except as provided in S4.2.2(a) and (b), the key-locking system required by S4.2 in each vehicle which is manufactured on or after September 1, 1996, and which has an automatic transmission with a "park" position shall, when tested under the procedures in S5(b), prevent removal of the key unless the transmission or transmission shift lever is locked in "park" or becomes locked in "park" as the direct result of removing the key.

(3) Each vehicle shall not move more than 150 mm on a 10 percent grade when the transmission or transmission shift lever is locked in "park."

S4.2.2(a) Notwithstanding S4.2.1, provided that steering is prevented upon the key's removal, each vehicle specified therein may permit key removal when electrical failure of this system (including battery discharge) occurs or may have a device which, when activated, permits key removal. The means for activating any such device shall be covered by a non-transparent surface which, when installed, prevents sight of and activation of the device. The covering surface shall be removable only by use of a screwdriver or other tool.

(b) Notwithstanding S4.2.1, each vehicle specified therein may have a device which, when activated, permits moving the transmission shift lever from "park" after the removal of the key. The device shall either be operable:

(1) By the key, as defined in S3; or

(2) By another means, provided that steering is prevented when the key is removed from the ignition, and provided that the means for activating the device is covered by a non-transparent surface which, when installed, prevents sight of and activation of the device. The covering surface shall be removable only by use of a screwdriver or other tool.

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S5. Compliance Test Procedure for vehicles with automatic transmissions.

S5.1 Test Conditions.

(a) The vehicle shall be tested at curb weight plus 91 kg (including the driver).

(b) Except where specified otherwise, the test surface shall be level.

S5.2 Test procedure for vehicles manufactured before September 1, 1996.

(a) Drive the vehicle forward and stop with the service brakes. Apply the parking brake (if present). Try to remove the ignition key from each possible key position.

(b) Repeat the procedure in S5.2(a) with the transmission shift mechanism in each forward drive shift detent position.

(c) Drive the vehicle backward and stop with the service brakes. Apply the parking brake. Try to remove the ignition key from each possible key position.

(d) Move the transmission shift mechanism to the "neutral" detent position. Try to remove the ignition key from each possible key position.

(e) Drive the vehicle forward up a 10 percent grade and stop it with the service brakes. Apply the parking brake. Move the shift mechanism to the "park" position. Apply the service brakes. Release the parking brake. Release the service brakes. Remove the key. Verify that the transmission shift mechanism

or transmission is locked in "park." Verify that vehicle movement was less than or equal to 150 mm after release of the service brakes.

S5.3 Test procedure for vehicles manufactured on or after September 1, 1996.

(a) Move the transmission shift mechanism to any position where it will remain without assistance, including a position between the detent positions, except for the "park" position. Try to remove the key from each possible key position in each such shift position.

(b) Drive the vehicle forward up a 10 percent grade and stop it with the service brakes. Apply the parking brake (if present). Move the shift mechanism to the "park" position. Apply the service brakes. Release the parking brake. Release the service brakes. Remove the key. Verify that the transmission shift mechanism or transmission is locked in "park." Verify that vehicle movement was less than or equal to 150 mm after release of the service brakes.

Issued on June 1, 1995.

Ricardo Martinez,
Administrator.

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INTERSTATE COMMERCE COMMISSION

49 CFR Part 1023

[Ex Parte No. MC-100 (Sub-No. 6)]

Single State Insurance Registration

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is revising the receipt provisions of its regulations pertaining to registration by motor carriers with states. Pursuant to a court remand, the Commission has reexamined provisions permitting motor carriers to make copies of registration receipts. Under the revised rules, states will issue official copies of receipts, and motor carrier copying will be prohibited.

EFFECTIVE DATE: July 7, 1995.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Schwartz, (202) 927-5299 or Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: In a decision in *Single State Insurance Registration*, 9 I.C.C.2d 610 (1993), Notice published at 58 FR 28932 on

May 18, 1993, the Commission adopted final regulations that replaced a multi-state motor vehicle and operating authority registration system with a simplified, single-state, insurance-based registration system. The Commission acted in accordance with Congressional revisions to 49 U.S.C. 11506—Registration of Motor Carriers by a State, which required the Commission to prescribe amendments to the regulations that had governed the registration system under the old law.

On judicial review, in *Nat'l Ass'n of Regulatory Util. Comm'rs v. ICC*, 41 F.3d 721 (D.C. Cir. 1994), the court found that the Commission had improperly balanced conflicting policy goals in adopting regulations giving motor carriers the authority to copy the registration receipts required by law to be kept in each motor vehicle. The court remanded such provisions to the Commission for further consideration. The Commission requested comments in light of the court's decision.

Upon consideration of the court's opinion and the comments received from the trucking and insurance industries, state regulatory agencies, and other interested parties, the Commission is revising the receipt provisions of the regulations. Under the revised rules, states will issue official copies of registration receipts, and motor carriers will be required to maintain an official copy in each reported motor vehicle. Motor carrier copying of receipts will be prohibited.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue NW., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD service (202) 927-5721.]

Regulatory Flexibility Certification

Pursuant to 5 U.S.C. 605(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. No new regulatory requirements are imposed,

directly or indirectly, on such entities. As before, all motor carriers registering with participating states will be required to distribute copies of registration receipts to their vehicles; but, under the revised regulations, motor carriers are relieved of the burden of reproducing the receipt copies. The economic impact on small entities, if any, should be positive but is not likely to be significant within the meaning of the Regulatory Flexibility Act.

Environmental and Energy Considerations

We conclude that this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1023

Insurance, Motor carriers, Surety bonds.

For the reasons set forth in the preamble, title 49, chapter X, part 1023 of the Code of Federal Regulations is amended as follows:

PART 1023—STANDARDS FOR REGISTRATION WITH STATES

1. The authority citation for part 1023 continues to read as follows:

Authority: 49 U.S.C. 10321 and 11506; 5 U.S.C. 553.

2. Section 1023.5 is revised to read as follows:

§ 1023.5 Registration receipts.

(a) On compliance by a motor carrier with the annual or supplemental registration requirements of § 1023.4, the registration State must issue the carrier a receipt reflecting that the carrier has filed the required proof of insurance and paid fees in accordance with the requirements of that section. The registration State also must issue a number of official copies of the receipt equal to the number of motor vehicles for which fees have been paid.

(1) The receipt and official copies must contain only information identifying the carrier and specifying the States for which fees were paid. Supplemental receipts and official copies need contain only information

relating to their underlying supplemental registrations.

(b) Receipts and official copies issued pursuant to a filing made during the annual registration period specified in § 1023.4(b)(2) must be issued within 30 days of filing of a fully acceptable registration application. All other receipts and official copies must be issued by the 30th day following the date of filing of a fully acceptable supplemental registration application. All receipts and official copies shall expire at midnight on the 31st day of December of the registration year for which they were issued.

(c) A carrier is permitted to operate its motor vehicles only in those participating States with respect to which it has paid appropriate fees, as indicated on the receipts and official copies. It may not operate more motor vehicles in a participating State than the number for which it has paid fees.

(d) A motor carrier may not copy or alter a receipt or an official copy of a receipt.

(e) A motor carrier must maintain in each of its motor vehicles an official copy of its receipt indicating that it has filed the required proof of insurance and paid appropriate fees for each State in which it operates.

(f) A motor carrier may transfer its official copies of its receipts from vehicles taken out of service to their replacement vehicles.

(g) The driver of a motor vehicle must present an official copy of a receipt for inspection by any authorized government personnel on reasonable demand.

(h) No registration State shall require decals, stamps, cab cards, or any other means of registering or identifying specific vehicles operated by a motor carrier.

Decided: May 24, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald. Vice Chairman Owen commented with a separate expression.

Vernon A. Williams,
Secretary.

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